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EXHIBIT 19
DATE 3/25/09
SB 236

Montana State House of Representative
Judiciary Committee
PO Box 200400
Helena, MT 2620-0400

March 25, 2009

Dear House Judiciary Committee,

On behalf of the Montana American Indian Caucus of the 61st Legislature, we voice our support for replacing the death penalty in Montana with life without the possibility of parole.

The U.S. Constitution guarantees fairness and equity before the law and yet one of the death penalty's fatal flaws is the unequal application to people of color and those in poverty. Numerous governmental and non-governmental studies have shown that racial biases permeate our legal system and lead to inequalities in sentencing.

The death penalty disproportionately affects American Indians. A study in 2003 found that a disproportionate 19% of those executed prior to 1994 were American Indians. American Indians make up about 6.5% of Montana's population and yet make up 15% of those who have been sentenced to death in Montana.

The death penalty is also disproportionately applied to low-income people, many of whom are people of color. Defendants who are poor and represented by court-appointed lawyers are more likely to get the death penalty than those who can afford their own expensive legal representation. Such skewed application of justice is part of the reason that 130 Death Row inmates have been found innocent or exonerated since the 1970s.

In addition, the death penalty prolongs pain for victims' families, dragging them through an agonizing and lengthy process that holds out the promise of an execution at the beginning but often results in a different sentence in the end. A life without parole sentence, on the other hand, begins as soon as victims' families leave the courtroom and is served anonymously, outside the spotlight of the media cameras.

The American Indian Caucus asks the Judiciary Committee to strongly consider supporting SB 236.

Sincerely,

Tony Belcourt *Margarett Campbell*
Tony Belcourt (Chair)
Montana American Indian Caucus
Shannon Augare
David Roundstone *Carolyn Pease-Lopez*
Carol Juneau